

**THE STONE TOWN CONSERVATION AND
DEVELOPMENT AUTHORITY ACT, NO. 4 OF 2010**

**THE STONE TOWN CONSERVATION AND
DEVELOPMENT AUTHORITY(GENERAL
REGULATIONS), 2023**

[Made under section 37]

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REGULATIONS), 2023**

[Made under section 37]

IN EXERCISE of the powers conferred upon me under section 37 of the Stone Town Conservation and Development Authority Act, No. 4 of 2010, **I, SIMAI MOHAMMED SAID**, Minister of Tourism and Heritage, do hereby make the following Regulations:

**L . N
29 of
2022**

**PART ONE
PRELIMINARY PROVISIONS**

1. These Regulations shall be cited as the Stone Town Conservation and Development (General Regulations), 2023 and shall come into operation after being signed by the Minister and published in the Gazette.

Short
title and
commen-
cement.

2. These regulations shall apply to heritage sites that are listed in Zanzibar Stone Town Conservation and Heritage Management Plan.

Application.

3. In these Regulations, unless the context otherwise requires:

Interpret-
ation.

“Act” means The Stone Town Conservation and Development Authority Act, No. 4 of 2010;

“Authority” means the Stone Town Conservation and Development Authority established under the section 3 of the Act;

“Board” means the Board of Director of the Authority established under the section 11(1) of the Act;

“Conservation” means all the processes of looking after a place so as to retain its historical and or architectural and/or aesthetic and or cultural significance and includes maintenance, preservation, restoration, reconstruction and adoption or a combination of more than one of these;

“Conservation Master Plan” means Zanzibar Stone Town Conservation and Heritage Management Plan;

“Heritage” means things of special architectural, historical or natural value that are preserved for the nation;

“Heritage building” any building of one or more premises or any part thereof or structure and or artifact which requires conservation and or preservation for historical and or architectural and or artisanary and or aesthetic and or cultural and or environmental and or ecological purpose and includes such portion of land adjoining such building or part thereof as may be required for fencing or covering or in any manner preserving the historical and or architectural and or aesthetic and or

cultural value of such building, any manner preserving the historical and or architectural and/or aesthetic and or cultural value of such building;

“Heritage site” means those buildings, artifacts, structures, streets, areas and precincts of historic, architectural, aesthetic, cultural or environmental value and those natural feature areas of environmental significance or of scenic beauty including, but not restricted to, water bodies and the areas adjoining the same, open areas, wooded areas, walks, rides, which are listed in Conservation Master Plan;

“Preservation” means and includes maintaining the fabric of a place in its existing state and retarding deterioration;

“Reconstruction” includes returning a place as nearly as possible to a known earlier state and distinguished by the introduction of materials new or old into the fabric;

“Restoration” means returning the existing fabric of a place to a known earlier state by removing accretions or by reassembling existing components without introducing new materials;

“Rehabilitation” means a process of modifying an historic building to extend its useful life through alterations and repairs, while

preserving the important architectural, cultural and historical features;

“Street furniture” means a collective term for objects and pieces of equipment installed along streets and roads for various purposes which includes benches, traffic barriers, bollards, streetlamps, traffic lights and signs.

**PART TWO
CONSERVATION OF STONE TOWN AREAS**

Power to approve building design.

4. The Authority shall have the power to direct, approve and restrict ,development and re-development the design, including the height, size and all sort of design consideration according to conservation Master Plan of the buildings to preserve the aesthetics and authenticity of the area.

Restrictions on development, re-development and conservation.

5.-(1) A person shall not carry development, re development of any building or any conservation activity without permission from the Authority.

(2) Any person who contravenes the provisions of sub regulation (1) of this regulation, commits an offence and shall, upon conviction, be liable to a fine not less than Three Million Tanzania Shillings.

Alteration, modification, and relaxation of development control norms.

6. The Authority may alter, modify or relax the development control norms prescribed in the Conservation Master Plan for the conservation, preservation or retention of historic, aesthetic, cultural, architectural or environmental quality of any heritage site.

7.-(1) All Buildings within heritage precincts or in the vicinity of heritage sites shall maintain the skyline in the precinct and follow the architectural style without any high-rise or multi-storied development as may be existing in the surrounding area.

Maintaining skyline and architectural harmony.

(2) Any person who contravenes the provisions of subregulation (1) of this regulation, commits an offence and shall, upon conviction, be liable to a fine not less than Five Million Tanzania Shillings.

(3) Without prejudice to sub regulation (1) of this regulation, a person shall demolish the extended portion on his own cost.

8.-(1) All the open spaces within the Stone Town area shall be owned and controlled by the Authority.

Open spaces.

(2) A person shall not occupy the open spaces within the Stone Town area without having permission from the Authority.

(3) Any person who uses the open space without having permission from the Authority, commits an offence and shall, upon conviction, be liable to a fine not less than One Million Tanzania Shillings.

9.-(1) A person shall have the duty to respect and maintain all existing street furniture located within the Stone Town Areas.

Street furniture.

(2) Any person who removes, disturbs or changes the nature of any street furniture without approval of the Authority, commits an offence and shall, upon conviction, be liable to fine of not less than Five

Hundred Thousand Tanzania Shillings and shall return the existing street furniture in its previous place.

Obstruction
in usage
of baraza,
pedestrian
path way
and drive
way.

10.-(1) Any person who obstructs the usage of baraza, pedestrian path way or drive way by any means whether permanent or temporary, commits an offence and shall, upon conviction, be liable to a fine not less than Three Hundred Thousand Tanzania Shillings.

(2) For the purpose of this regulation, “Baraza” means a public bench built against the wall outside or inside a house or a raised platform and sometimes roofed over in front of the house;

Motor
Vehicles.

11.-(1) A person shall not pass through the core zones of Stone Town Area with any kind of motor vehicle without approval by the Authority.

(2) Any person who contravenes the provision of sub regulation (1) of this regulation, commits an offence and shall, upon conviction, be liable to a fine of not less than Fifty Thousand Tanzania Shillings.

Grading
of the
building.

12.-(1) All buildings have been graded as Grade One, Grade Two and Grade Three as prescribed in the Conservation Master Plan.

(2) All buildings under sub regulation (1) of this regulation shall have limited conservation activities as prescribed under the first Schedule of these Regulations or as per Authority discretion.

(3) Any person who contravenes the provisions of sub regulation (2) of this regulation, commits an

offence and shall, upon conviction, be liable to fine of not less than Twenty Million Tanzania Shillings.

13. A person who demolishes building in a heritage precinct or on a natural heritage site without permission of the Authority, commits an offence and shall, upon conviction, be liable to fine of not less than Fifteen Million Tanzania Shillings.

Demolition.

14.-(1) All finishing materials of the buildings shall be as authorized by the Authority.

Finishing materials.

(2) Any person who contravenes the provisions of sub regulation (1) of this regulation, commits an offence and shall, upon conviction, be liable to fine of not less than One Million Tanzania Shillings.

PART THREE PROCEDURES OF PERMIT

15.-(1) A person who intends to construct, renovate, reconstruct or make any maintenance in any building or use open space within Conservation Area shall apply for permit to the Authority upon payment of fee prescribed under the Fees and Charges Regulations by filling in Permit Application Form as prescribed under the Second Schedule of these Regulations.

Application for Permit.

(2) The application for permit under sub regulation (1) of this regulation shall be accompanied with:

- (a) title deed of the property for the owner or a letter from the owner for tenant;

- (b) existing and detail proposal drawings;
- (c) a personal letter signed by the Sheha in a place where the property is located; or
- (d) any other document that Authority deemed necessary.

Issuance of permit.

16.-(1) Subject to the provisions of regulation 15 of these Regulations, the Authority may, after being satisfied with the fulfilment of all requirements, issue permit to the applicant.

(2) Where the Authority refuses to issue permit to the applicant, the Authority shall inform the applicant in writing reasons for such refusal.

(3) The validity of the permit shall remain in force for a period of six month and may be renewed upon expiry.

Renewal of permit.

17.-(1) The permit issued under these Regulations shall be renewed prior to its expiration every after six months.

(2) The application for renewal of permit shall be made within thirty days before its expiry in a form as prescribed in the Second Schedule of these Regulations after payment of renewal permit application fees under the Fees and Charges Regulations.

Cancellation of permit.

18.The Authority may cancel the permit at any time where there is any breach of the terms and conditions stipulated in the permit.

PART FOUR
DEVELOPMENT OF THE HERITAGE SITES

19.-(1) The owners of heritage buildings in heritage precincts or in heritage streets shall have the responsibility to maintain the buildings.

Respon-
sibility of
the owner
of heritage
building.

(2) The Authority shall be entitled to make any intervention for the purpose of maintaining any building which has been left unattended by the owner.

(3) Without prejudice to the provisions of sub regulation (2) of this regulation, the Authority shall give notice to the respective owner or his representative and give reasonable time depending on the extent of the potential risk connected to such building.

(4) The Authority shall be entitled to rent or confiscate the building of any person who fails to:

- (a) maintain the defective building or building in danger: or
- (b) pay the amount spent by the Authority during maintaining of such building.

(5) Where the building is rented by the Authority, the earnings shall be used for compensation of the money spent, including interest as per the Central Bank Commercial Rate from the date of starting maintenance.

(6) The Authority shall return the said building to the owner after all amount spent including interest has been covered.

20.-(1) There shall be the colour code of the buildings within the Stone Town areas as approved by the Authority.

(2) The colours of buildings referred under sub regulation (1) of this regulation shall be:

- (a) lime putty;
- (b) light cream; or
- (c) emulsion white.

(3) Any person who contravenes the provisions of sub regulation (1) of this regulation, commits an offence and shall, upon conviction, be liable to fine of not less than One Million Tanzania Shillings and shall change such colour as approved by the Authority.

21.-(1) The material design of the roofing sheets used in construction within the Stone Town area shall be corrugated iron sheets.

(2) The colour of the roofing sheets within the Stone Town area shall be maroon or silver colour as shall be approved by the Authority.

(3) The specification for the roofing sheet shall be submitted to the Authority for approval.

(4) The Authority may authorize other type of roofing materials as deems appropriate.

(5) Any person who contravenes the provisions of subregulations (1) and (2) of this regulation, commits

an offence and shall, upon conviction, be liable to a fine of not less than Five Hundred Thousand Tanzania Shillings.

22.-(1) The Authority shall approve the design, material, size and location of a sign board and banners within the Stone Town Area.

Sign
board and
banners.

(2) Any person who contravenes the provisions of sub regulation (1) of this regulation, commits an offence and shall, upon conviction, be liable to a fine of not less than One Hundred Thousand Tanzania Shillings and shall remove such board or banners as directed by the Authority.

23.-(1) A person who posts any kind of posters in any part of the Stone Town property, commits an offences and shall, be liable to a fine of not less than Five Hundred Thousand Tanzania Shillings.

Posters.

(2) Subject to the provisions of sub regulation (1) of this regulation, apart from the person who posts such posters, the owner of the posters, shall be liable to fine of not less than One Million Tanzania Shillings.

(3) All posters referred under this regulation, shall be posted after consultation with sheha of respective shehia who shall arrange the locations and time for removal of such posters.

24.-(1) Any registered political party, during election period, may post poster relating to election on the Stone Town property after obtaining permit from the Authority.

General
Election
campaign.

(2) Without prejudice to the provisions of sub regulation (1) of this regulation, the political party concerned shall remove posters within thirty days after the announcement of the election results.

(3) Any political party that contravenes the provisions of sub regulations (1) and (2) of this regulation, commits an offence and shall, upon conviction, be liable to a fine of not less than Ten Million Tanzania Shillings and shall remove such posters as directed by the Authority.

Noise.

25.-(1) A person shall use a sound system within Stone Town area in such a way that the sound does not interfere or disturb the freedom of neighbours.

(2) Subject to the provision of sub regulation (1) of this regulation, any person whose freedom to enjoy the use of his property has been infringed due to sound nuisance shall report to the Authority:

- (a) the name of the person who has caused that nuisance;
- (b) location of his place and a place where such sound is produced; and
- (c) time in which that sounds is being produced.

(3) A person shall be allowed to use a sound system with a reasonable loud sound not beyond 10:00 pm of East Africa Time during the week days and up to 12:00 am East Africa Time in weekend, holidays and festival.

(4) Any person who contravenes the provisions of sub

regulation (1), (2) and (3) of this regulation, commits an offence and shall, upon conviction, be liable to a fine not less than One Millions Tanzania Shillings.

PART FIVE MISCELENEOUS PROVISIONS

26. A person who:

Offences
and penalty.

- (a) obstruct walls, doors, windows or streets by any means;
- (b) disposes waste of any kind in an unauthorized place; or
- (c) urinates in an unauthorized area,

commits an offence and shall be liable to fine of not less than Fifty Thousand Tanzania Shillings and not exceeding Five Hundred Thousand Tanzania Shillings.

27. A person who contravenes any provisions of these Regulations for which no specific penalty is provided shall be liable to a fine not less than Five hundred Thousand Tanzania Shillings or imprisonment of not more than three months.

General
penalty.

28. A person who is aggrieved by the decision of the Authority under these Regulations may, within thirty days from the date of the decision, appeal in writing to the Minister by stating the reasons of his appeal.

Appeals.

29. Notwithstanding any other law, where a person violates any provision of these Regulations, the Authority shall have powers, subject to the procedures prescribed under these Regulations, to compound the offence so committed.

Powers to
compound
offences.

30.-(1) Where a person commits an offence under these Regulations, in compounding of offence, the Director General shall serve on the person a notice in the specified form under the Third Schedule of these Regulations, requiring upon the person to pay fine in respect of the offence alleged to have committed.

(2) The notice under sub regulation (1) of this regulation, shall specify:

- (a) name and address of the person;
- (b) the offence alleged to be committed;
- (c) place and time upon which the offence committed;
- (d) amount of fine to be paid for that offence;
- (e) time and manner in which the fine should be paid;
and
- (f) any other particular or information relating to that offence when the Authority may think necessary.

(3) A person served with a notice under sub regulation (1) of this regulation shall, within seven days from the date in which the notice is delivered to him, pay the amount of fine to the Authority.

(4) Where a person to whom a notice has been served under sub regulation (1) of this regulation, fails to pay the specified fine within the time limit specified in the notice, the Authority shall proceed with the legal proceedings against such a person.

(5) When the person pays the amount of fine so specified in the notice, no further legal actions relating to the same offence shall be taken against that person.

FIRST SCHEDULE

CONSERVATION APPROACH AND ACCEPTABLE ADAPTATIONS FOR EACH CATEGORY OF BUILDING

[Made under regulation 12 (2)]

ITEMS	GRADE ONE	GRADE TWO	GRADE THREE
Definition	Listed Grade I buildings are those of outstanding historical, architectural or cultural significance.	Listed Grade II buildings are those of high historical, architectural or cultural significance.	Listed Grade III buildings are those of medium historic, architectural or cultural significance.
Conservation approach	Any alterations, additions, either externally or internally shall not be allowed. Any work carried out on the building must involve conserving and/or restoring the original fabric and its associated architectural features. This also includes a restoration of the original architectural typology, the construction techniques and materials, the decorative pattern, and its associated architectural features, respecting all the	Any alterations or additions to the structure or the external walls shall not be allowed. Any work carried out on the structure or external walls must involve preserving and/or restoring the original design, original architectural typology, construction techniques and materials, decorative pattern and its associated architectural features, respecting all the historical additions and transformations. There is some flexibility concerning the use of materials given the scarcity and cost. Lime must be used but it may be non hydraulic or hydraulic lime mass	Any alterations or additions to the structure or the external walls shall not be permitted, except in exceptional circumstances as authorized by the Authority. Any building work carried out on the structure or external walls must involve restoring and/or rehabilitating the original design, restore the original architectural typology, the decorative pattern and its associated architectural features, respecting all the historical additions and transformations. Construction techniques and materials shall be kept and reused as much as possible aside to selected modern materials.

	<p>additions and transformations. All original materials must be preserved or replaced like for like, i.e., nonhydraulic lime produced in Zanzibar and mangrove poles can only be used.</p>	<p>produced and procured from the Mainland. Also given the environmental protections, mangrove may be replaced with other Suitable wood species.</p>	
<p>Acceptable Adaptation</p>	<p>Limited internal changes to accommodate continued use may be permitted provided they are minimal, do not impact the significance of the building, and are approved following a detailed review process. These minimal internal adaptations may include toilets and kitchens, electrical and plumbing upgrades, when needed.</p>	<p>Internal changes will be permitted, subject to a defined plan and approved plan along with the discretion of the Authority. Alterations shall be limited to necessary improvements of living and working spaces and shall be executed with special regard to the historical and architectural typology and features of the buildings. The typology must not be altered and readable, although limited openings on the internal walls are permitted. These changes must be compatible with, and sympathetic to the old building and should be of such a nature that, when removed, they will not affect the original building design.</p>	<p>Internal adaptation will be permitted to adapt the building to modern standards as may be required by its uses. The typology must not be altered and readable, although some openings on the internal walls are permitted. These changes must be compatible with, and sympathetic to the old building. Merging adjacent plots is allowed according to the Planning Zones regulations.</p>

SECOND SCHEDULE

[Made under regulations 15(1) and 17(1)]



FORM NO: _____

ZONE: _____

**THE STONE TOWN CONSERVATION AND DEVELOPMENT
AUTHORITY**

PERMIT APPLICATION FORM

PERSONAL INFORMATION:

Name of Applicant:

Address:

Phone number:

APPLICATION DETAILS:

BUILDING INFORMATION

House number:

Location:

250

Shehia:

Number of floor(s):

Uses of the building:
.....

TYPE OF REQUEST

MAINTENANCE NEW CONSTRUCTION OPEN SPACE

RENEWAL OF PERMIT (Attach a copy of the old permit)

DESCRIPTION OF THE INTENDED CONSTRUCTION OR MAINTENANCE OR USES OF OPEN SPACE

THIS FORM IS AVAILABLE FOR A PAYMENT OF TZS FIVE THOUSAND SHILLINGS ONLY.

THIS FORM SHOULD BE STAMPED BY THE SHEHA BEFORE SUBMITTED

APPLICANT'S SIGNATURE:

DATE:

COMMENTS BY STCDA

AUTHORITY OFFICER’S NAME:

DATE:

SIGNATURE:

THIRD SCHEDULE

NOTICE TO COMPOUND OFFENCE

[Made under regulation 30(1)]

THE STONE TOWN CONSERVATION AND DEVELOPMENT AUTHORITY

A. INFORMATION OF THE WRONG DOER

Full name:

Date:

Type of offence committed:

Place and time of the offence committed:

B. TYPE OF FINE

Number of offence committed:

Fine in Tanzania Shillings:

Others:

C. FOR OFFICE USE ONLY

Name of Cashier/agent who issue a notice:

Date:

Signature:

Name of the Officer Incharge / agent who issue fine:

Date:

Signature:

SIGNED on this 20th day of February,2023

(HON. SIMAI MOHAMMED SAID)
MINISTER OF TOURISM AND HERITAGE
ZANZIBAR

